

### **REMARKS/ARGUMENTS**

These remarks are submitted in response to the Office Action of April 17, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. As a result of this Amendment, claims 1, 6, 7, 13, 16, 17, 19, 20, 25 and 26 have been amended. Claims 1-26 remain in the Application.

On page 2, paragraph 1 of the Office Action, Claims 1-6, 8-12, 16-18, and 20-26 were rejected under U.S.C. § 103(a) as being unpatentable by U.S. Patent Application by Publication No. 2005/0020223 to Ellis, and U.S. Publication No. 2003/0041334 to Lu in view of U.S. Patent No. 6,553,077 to Rindsberg.

In paragraph 2, page 7 of the Office Action, Claims 13-15 were rejected under U.S.C. § 103(a) as unpatentable over Ellis in view of Lu.

In paragraph [2], page 8 of the Office Action, Claims 7 and 19 were rejected under U.S.C. § 103(b) as being unpatentable over Ellis and Lu in view of Rindsberg and further in view of U.S. Patent Application Publication No. 2004/0196179 to Turnbull.

In paragraph 3, page 9 of the Office Action, claims 6, 17, and 24 were rejected under U.S.C. § 103(b) as being unpatentable over Ellis and Lu in view of Rindsberg and further in view of U.S. Patent No. 7194687 to Sezan

Although the Ellis reference includes some of the elements claimed in Claims 1-6, 8-12, 16-18, and 20-26 and claims 13-15, Ellis still fails to teach, suggest, mention or contemplate a computer based multi-channel radio where a single radio receiver is used to receive a data stream when multiple channels are decoded from the data stream. Instead, Ellis teaches a multi-receiver system that can decodes one channel per receiver, thus any system as taught by Ellis would necessarily include multiple receivers for receiving multiple sources of content. Ellis illustrates multiple channels that are decoded using multiple receivers or tuners or coming from different multiple sources as shown in FIGS. 27 and 42 and the corresponding text. In fact, the mention of satellite radio in Ellis is only in reference as a source receiver among a plurality of other source receivers and

Ellis fails to discuss the decoding of multiple channels from a single data stream as claimed. Ellis instead teaches away from using a single receiver by stating that receivers or tuners are less costly than TV tuners and would be feasible to have multiple receivers (see Paragraph 0010 of Ellis). Furthermore, Ellis states that multiple radio receivers may be provided for a single radio source (See paragraph 0100 of Ellis).

Furthermore, with respect to the User Interface 365 of Ellis in FIG. 3C, this is not a graphic user interface (GUI), but merely a keyboard. The modem 350 of FIG. 3C is a modem for an internet connection and not a single radio receiver for receiving a single data stream having multiple channels as recited in claim 14.

With respect to Claims 1-6, 8-12, 16-18, and 20-26, the examiner asserted that such claims are unpatentable under U.S.C. § 103(b) over Ellis and Lu in view of Rindsberg. Applicant again refers the Examiner to the following:

Rindsberg is generally directed to a "favorites" feature for selection of music in a satellite radio system for example. Although Rindsberg discusses a channel reference table, this table is not updated and displayed on a GUI as claimed. Ellis is directed more towards a multi-receiver system (such as a multi-FM receiver system or a system that includes an FM receiver and a satellite receiver among a number of receivers). Ellis fails to discuss a single radio system that receives a single data stream where multiple channels are decoded therefrom. Furthermore, it would appear to be an improper use of hindsight for the examiner to cite a reference originally cited by the Applicant in an attempt to try to obviate a novel and non-obvious invention. The Applicant's system can further reduce costs by removing the need for multiple receivers as called for in Ellis.

The Examiner further introduces Lu in a piecemeal combination in an attempt to obviate claims 1-6, 8-12, 16-18, and 20-26. Although Lu discusses viewing multiple "thumbnails" of multiple broadcast channels, the only updating and viewing that is done is for the thumbnails and not of associated data. The associated data as claimed in the amended claims refers to channel numbers, a plurality of artist names, a plurality of song

titles, and a plurality of channel names. Lu is discussed within the context of a broadcast video channel where thumbnails are simultaneously shown over slow changing channels. The data in Lu this is not the same information claimed, particularly in the context of a digital audio radio system as claimed in the amended claims. Clearly, Lu is directed toward video and updating of data that is related to video, such as thumbnails.

Thus, only a piecemeal combination of references can obviate the claims as currently recited since the claims are now directed toward methods and systems using a digital audio radio where the specific data that can be simultaneously updated and displayed is done in a unique context using a single radio receiver. Video as taught in Lu is too cumbersome and fails to teach the simultaneous updating and display of data associated with a digital audio radio as recited in the amended claims. Rindsberg certainly provides some of the groundwork for the current application, but fails to introduce a computer coupled to the digital audio radio and the particular GUI and the simultaneous display of data as claimed. As noted above, Ellis is directed more towards a multi-receiver system and would appear to teach away from the use of a single receiver as claimed herein.

With respect to previously presented claim 6 as well as claim 17, none of the references individually or in combination teach or even suggest, mention or contemplate a GUI that enables the simultaneous viewing of channels numbers, artist names, song titles, channel names, categories and use percentage of the channels among the plurality of channels. Sezan discusses the usage history, but only in terms of percentage of a video program played by a user. Sezan does not keep track of particular channels among a plurality of channels that a user is listening to. Use percentage in the context claimed is clearly not shown in any of the references cited and the additional combination of information is clearly novel and non-obvious.

It should further be noted (with respect to claim 11) that the data streamed to the receiver as claimed herein and ultimately viewed on the user interface as claimed does

not come from the Internet as shown in FIG. 3C of Ellis, but from over-the-air. The connection to a global network connection is just an connection that can be used in conjunction with novel and non-obvious aspects recited in claim 1.

Claims 7 and 19 were rejected under U.S.C. § 103(a) as being unpatentable by Ellis and Lu in view Rindsberg and further in view of Turnbull. As noted above with respect to claims 6 and 17, none of the references alone or in combination teach or suggest, mention, or contemplate a system that has a GUI that displays information associated with a plurality of channels that comes from a single receiver that extracts data associated from each channel from a single data stream and that simultaneously updates and displays the particular associated data affiliated with a digital audio radio such as the signal strength information as recited in claims 7 and 19. Claims 7 and 19 also refer to both signal strength from a satellite and terrestrial source and displaying same. The inappropriate use of hindsight with respect to Rindsberg and the noted potential issue of common assignment or ownership of Rindsberg is likewise reiterated.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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